

REMARKS

Claims 1-17 are pending in the application.

Claims 1-6 and 8-17 have been rejected.

Claim 7 has been objected to.

Claims 1-7 and 9-14 have been amended, as set forth herein.

New dependent Claims 18-20 have been added.

I. **REJECTION UNDER 35 U.S.C. § 112**

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The rejection is respectfully traversed.

Applicant has amended Claim 4 to remove the term “easily checkpointed.”

Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection of Claim 4.

II. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-6, 8 and 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chandra, et al. (US 6,594,779). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged

as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended independent Claims 1 and 10 to more particularly point out the claimed invention, including reciting executing [or execute] the at least one node in the host under the control of a node manager that persistently maintains the current state of nodes in the host, the current state comprising process status and a list of usage data that has been successfully processed. See, amended Claims 1 and 10. This recited subject matter is similar to the subject matter set forth in dependent Claim 7, which is allowable but has been objected to as depending upon a rejected base claim. Applicant respectfully submits that Chandra does not disclose these recited elements/features of the amended independent Claims 1 and 10.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-6, 8 and 10-13.

III. REJECTIONS UNDER 35 U.S.C. § 103

Claim 9 was rejected under 35 U.S.C. § 103 as being unpatentable over Chandra, et al. (US 6,594,779) in view of Schofield, et al. (US 6,493,826). Claims 14-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Chandra, et al. (US 6,594,779) in view of Schweitzer (US 6,418,467). The rejections are respectfully traversed.

With respect to the rejection of dependent Claim 9, as noted above, independent Claim 1 has been amended.

With respect to the rejection of Claims 14-17, independent Claims 14 has been amended (similar to the amendments to independent Claims 1 and 10 noted above) to recite execute the at least one node in the host under the control of a node manager that persistently maintains the current state of nodes in the host, the current state comprising process status and a list of usage data that has been successfully processed. Applicant respectfully submits that the proposed combinations of Chandra-Schofield and Chandra-Schweitzer do not disclose, teach or suggest Applicant's claimed invention as set forth in amended Claims 1 and 14 (and therefore dependent Claims 9 and 15-17).

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 9 and 14-17.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

ATTORNEY DOCKET NO. 16152RRUS01U (NORT10-00073)
U.S. SERIAL NO. 10/044,814
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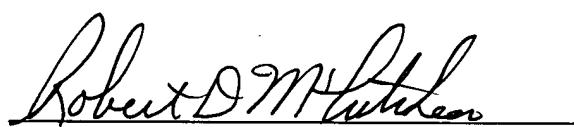
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 1/10/2005



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